

How to Respond to Telephone and Email Inquiries from the Public About 5/10/06 Important Notice re Unlisted AR/AK Series Firearms:

- Current law defines a semiautomatic centerfire rifle with the capacity to accept a detachable magazine and any of the generic features listed in Penal Code §12276.1(a)(1) as an assault weapon.
- Such a firearm is contraband unless it was registered in a timely fashion pursuant to Penal Code §12285.
- It is DOJ's opinion that under current law, a semiautomatic centerfire rifle that is modified to be *temporarily incapable of accepting a detachable magazine*, but can be restored to accommodate a detachable magazines, is an assault weapons if it has any of the features listed in §12276.1(a)(1).
- Regulations will be adopted to clarify current law. The regulations will not change DOJ's opinion about firearms that DOJ now considers to be legal.
- The public will have an opportunity to comment on our proposed regulations, as permitted under the California Administrative Procedures Act.
- Individuals who alter a firearm designed and intended to accept a detachable magazine in an attempt to make it incapable of accepting a detachable magazine do so at their legal peril.
- Whether or not such a firearm remains capable of accepting a detachable magazine is a question for law enforcement agencies, district attorneys, and ultimately juries of twelve persons, **not the California Department of Justice**.
- We cannot anticipate how any or all of the above entities will view the conversion of a firearm.
- DOJ has approved several models of **commercially manufactured** firearms that we believe have been altered to be permanently incapable of accepting detachable magazines. However, we have warned those manufacturers that other law enforcement entities could view the legality of those firearms differently. Local law enforcement agencies and district attorneys could consider the firearms to be capable of accepting detachable magazines, and therefore assault weapons under California law.
- For your protection, you should ensure that your firearm either does not have the capacity to accept a detachable magazine, or does not have any of the features listed in Penal Code §12276.1(a)(1).
- You have the responsibility to protect yourself from the wide variety of potential law enforcement entities and how they may view the legality of your modification.